

REMARKS

Claims 6-10 were pending in this application. Claims 6-10 were rejected. The Examiner made the following rejections:

- 1) The Examiner alleges that claim 5 is directed to a non-elected invention.
- 2) The Examiner rejects claims 6-10 on the basis of nonstatutory type double patenting.

The Applicants' remarks are presented in the same order as the rejections set out above.

1) Election / Restriction

Without acquiescing to the Examiner's allegation that pending claim 5 is directed to a non-elected invention, the Applicants have withdrawn the same in order to further their business interests. The Applicants expressly reserve their right to prosecute this same (or similar) claim in subsequently filed application(s). This rejection, therefore, is now moot and should be withdrawn.

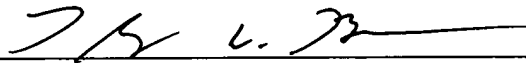
2) Applicants File a Terminal Disclaimer

The Examiner has rejected claims 6-10 for alleged obviousness type double patenting in view of U.S. Patent No. 6,649,764. In order to advance their business interests and without acquiescing to the Examiner's arguments, Applicants file herewith a Terminal Disclaimer Under 37 C.F.R. §1.321(c). Through this Terminal Disclaimer, the Applicants disclaim the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,649,764. Applicants note this disclaimer traverses all of the rejections, raised under the judicially created doctrine of obviousness-type double patenting, as set out above.

CONCLUSION

Should the Examiner believe a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect.

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